IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 21781 of 2004

Between:

K. Chandra Sekhar Naidu, S/o. K. Narayana Swamy Naidu, Hindu, Mandal Educational Officer (suspension) O D Cheruvu Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa, Kadapa District.
3 The Dist. Educational Officer, Ananthapur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari, call for the records in O.A.No. 6114/2004 on the file of Hon'ble Andhra Pradesh Administrative Tribunal and quash the proceedings of the respondents 1 & 2 vide RC No. 1747/C3-2/2004 Dt. 25-9-2004 & Proc. RC NO. 4396/A3/2004 Dt. 27-9-2004 in placing the petitioner under suspension without serving the report submitted by the ACB Officials amounts to erroneous, arbitrary and violative Articles 14,16,19,21 and 311 of the constitution of India and consequently set aside the proceedings of respondents 1 & 2 vide RC NO. 1747/C3-2/2004 dt. 25-9-2004 & Proc. RC NO.4396/A3/2004 Dt. 27-9-2004.

Counsel for the Petitioner:MR.T.C.KRISHNAM

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following :

O R D E R: (PER G.B.J)

1) This writ petition is filed by the petitioner in the nature of Certiorari, calling for the records relating to O.A.No.6114 of 2004 on the file of the Andhra Pradesh Administrative Tribunal and to quash the proceedings issued by respondents 1 and 2, vide proceedings, dated 25.09.2004 and 27.09.2004 by placing the petitioner under suspension without serving the report submitted by the A.C.B. officials.

2) It is the case of the petitioner that aggrieved by the proceedings issued by the respondent officials, dated 25.09.2004 and 27.09.2004, he approached the Tribunal by filing O.A.No.6114 of 2004, wherein the Tribunal without giving any opportunity to the petitioner, passed interim orders, refusing to suspend the impugned proceedings issued by the respondent officials.

3) The learned counsel for the petitioner submits that the Tribunal ought to have suspended the order of the 1st respondent-Commissioner & Director of School Education, Hyderabad.

4) As the Tribunal passed orders, dated 09.11.2004, pending O.A.No.6114 of 2004, it is always open for the petitioner to agitate the same at the time of final hearing of the Original Application. Hence, we are not inclined to interfere with the order of the Tribunal.

5) Under the above facts and circumstances of the case, the Tribunal is directed to dispose of O.A.No.6114 of 2004 within a period of six weeks from the date of receipt of a copy of this order.

6) The writ petition is accordingly disposed of. No costs.

G.BIKSHAPATHY.J.,

P.S.NARAYANA.J.,

DT.29.12.2004

tjs

ASSISTANT REGISTRAR

To

1 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa, Kadapa District.
3 The Dist. Educational Officer, Ananthapur, Ananthapur District.

4.2CCs to the G.P. for School Education, High Court of A.P., Hyderabad(OUT)

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